

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: Christopher J. Cormack et al. § Art Unit: 2176
Serial No.: 10/700,910 § Examiner: Quoc A. Tran
Filed: November 3, 2003 § Conf. No.: 7764
For: Annotating Media Content § Docket: ITL.1706US
With User-Specified Information § § Assignee: Intel Corporation

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REPLY BRIEF

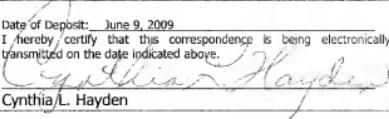
Sir:

Claim 16 calls for, among other things, "modifying the index file at the point at which the annotation request was received to reference the stored annotation information." Inexplicably, the cited reference to King is relied upon by the Examiner (see Answer at page 16) as teaching this very thing, citing King at column 2, lines 20-30. However, the cited material of King explicitly teaches away. He states as follows:

Next, an annotation data structure is created in response to the user input using an annotation routine without modifying the selected data structure."

[Emphasis Added].

Thus, King is explicit that you do not modify the data structure. The data structure is the index data structure that he refers to in previous lines. Thus, his whole point is to avoid modifying the index data structure with the annotation. As a result, he explicitly teaches away from the claimed invention.

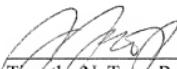
Date of Deposit: June 9, 2009
I hereby certify that this correspondence is being electronically transmitted on the date indicated above.

Cynthia L. Hayden

Not only does Nelson not overcome this teaching away, he teaches nothing that is particularly pertinent to the claimed invention. Nothing is cited in the Examiner's Answer to explain any basis to deduce that Nelson teaches modifying an index file contrary to the explicit teaching away of King.

Therefore, a *prima facie* rejection is not made out. In fact, nowhere is Nelson relied upon for this element. See Examiner's Answer at pages 6 and 11.

Thus, the Examiner combines a reference which is silent on the point with a reference that teaches away and somehow suggests that the claimed invention would be obvious. Such a position is untenable and a basis to reverse the rejection.

Respectfully submitted,



Date: June 9, 2009

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation